

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**AMENDED SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS AND DEMAND
FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Eulalio Bazan

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

Maria Corina Bazan

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

Maria Corina Bazan, as surviving spouse/administrator

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Texas

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Texas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Texas

7. District Court and Division in which venue would be proper absent direct filing:
Southern District of Texas, Corpus Christi Division

8. Defendants (check Defendants against whom Complaint is made):

C.R. Bard Inc.

Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

Diversity of Citizenship

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Other: _____

Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- Recovery® Vena Cava Filter
 - G2® Vena Cava Filter
 - G2® Express (G2®X) Vena Cava Filter
 - Eclipse® Vena Cava Filter
 - Meridian® Vena Cava Filter
 - Denali® Vena Cava Filter
 - Other: _____

11. Date of Implantation as to each product:

2/09/2011

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
 - Count II: Strict Products Liability – Information Defect (Failure to Warn)
 - Count III: Strict Products Liability – Design Defect
 - Count IV: Negligence - Design
 - Count V: Negligence - Manufacture
 - Count VI: Negligence – Failure to Recall/Retrofit
 - Count VII: Negligence – Failure to Warn
 - Count VIII: Negligent Misrepresentation

- Count IX: Negligence *Per Se*

Count X: Breach of Express Warranty

Count XI: Breach of Implied Warranty

Count XII: Fraudulent Misrepresentation

Count XIII: Fraudulent Concealment

Count XIV: Violations of Applicable Texas (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

Count XV: Loss of Consortium

Count XVI: Wrongful Death

Count XVII: Survival

Punitive Damages

Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

- Yes
 No

1 RESPECTFULLY SUBMITTED this 19 day of August 2019.

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3 **LIEFF CABRASER HEIMANN &**
BERNSTEIN, LLP

4 By: /s/ Wendy R. Fleishman

5 Wendy R. Fleishman

6 Daniel E. Seltz

7 **LIEFF CABRASER HEIMANN**
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8 250 Hudson St. 8th Floor
9 New York, NY 10013

10 *Attorneys for Plaintiff*

11 I hereby certify that on this 19 day of August 2019, I electronically transmitted the
12 attached document to the Clerk's Office using the CM/ECF System for filing and
13 transmittal of a Notice of Electronic Filing.

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15 /s/ Wendy R. Fleishman
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